

**TOWN OF OLD ORCHARD BEACH
REGULAR TOWN COUNCIL MEETING
Tuesday, May 21, 2013
TOWN HALL COUNCIL CHAMBERS
7:00 P.M.**

Pledge to the Flag

Roll Call

Councilor Coleman
Councilor Mailhot
Councilor Quinn
Councilor Dayton
Councilor Furtado
Vice Chair Bolduc
Chair MacDonald

ACKNOWLEDGEMENTS: Councilor Coleman wanted to thank Paul Golzbien for his generosity to the Committee Animal Watch to help save a family pet and also for him pledging \$2000 to help buy parking stations which will hopefully increasing revenues and help handle parking money per the auditor's recommendation. The Chair also thanked Paul and said she give the check to Chief Kelley.

ACCEPTANCE OF MINUTES: Town Council Workshop Minutes of April 23, 2013; Town Council Workshop Minutes of April 25, 2013; Town Council Minutes of May 7, 2013; and Administrative Board Meeting Minutes of May 14, 2013.

Motioned by Councilor Mailhot

Seconded by Councilor Quinn 7- 0

PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:

Terry Lynn Nagle (105-4-12), 90 Ross Road, one year round rental; Miles Ranger dba/Marvin Gardens Motel (206-9-1), 84 Saco Avenue, eleven (11) seasonal rentals; Peits Detty Tannahill dba/Peits Eats Sweets & Treats (206-31-1-D), 17 D Old Orchard Street, Victualers with Preparation, No Alcohol Sales; J. G. Cutter LLC, dba/Barefoot Boy (305-4-5), 45 East Grand Avenue, Victualers with Preparation with Beer, Wine and/or Alcohol; Jacob Bergeron dba/Jake's Hot Dogs (306-1-2), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales; Christina Paul-Perez dba/Christina's Classic Cookies (306-1-2), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales; Lucie MacDougal dba/Sno Biz (306-1-2), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales; Finiko LLC dba/Les Crepes (306-1-2), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales; Dan Robichaud & Chris Rodriguez dba/Dolce Crema Café (306-1-2-C), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales; Linda Glantz dba/Caribbean Hair (306-6-1-A), 2 Old Orchard Street, Personal Service; Linda Glantz dba/Toe Rings and

Things (306-6-1-T), 2 Old Orchard Street, Retail; Cassata Fla Concessions, Inc. dba/Games of Skill, (307-2-1-A), 1 Old Orchard Street, Games of Skill; Adam Copeland dba/Extreme Clean, Inc. (307-3-2X), 6 West Grand Avenue, 2 Wastehaulers Trucks; Miles Ranger dba/Pine View Lodge (308-2-6), 100 Atlantic Avenue, nine (9) seasonal, one (1) year round rental; Donna Moutsatsos (309-3-1), 42 Central Park Avenue, one year round rental; and Michael Gendron (318-8-6-90), 146 West Grand Avenue, Unit 90, one year round rental.

George Kerr said he thought that there was an error on a license. James Chamorff had called him and he had applied for a license for "Gorment Food Turcks of Maine Inc. George didn't see it on the agenda and wondered if there was an error. The Chair said that she was advised that there were some issues on an Ordinance. The Chair met with Louise and Jeffrey H about it and that is where it stands now. George said he was shocked. He pasted out a letter written by Jeffrey saying there were concerns about this. He said there is a process and he thinks it is a good one. The application was signed off by everyone. He wondered why there was never a public hearing to address any questions or concerns. The letter is attached to the minutes. George also included the State information and definitions.

George said because it was not advertised not decision can be made tonight and Memorial Day Weekend is coming up. George said if there was meeting he would appreciate knowing what the concerns were. His problem is that time is of the essence. He finds it difficult when a license does not come before the Council when everyone signed off on it.

He also mentioned that he thinks the Town should consider renting the municipal parking lots and relieve the burden of mowing that area. He said operate our community like a business.

The Chair said that she, Jeffrey and Louise met and they had some concerns. She asked them to contact others about the food cart business in Old Orchard Beach. George asked the Assistant Town Manager if an application has ever been filled and withdrawn. Louise said not to her recollection. The Vice Chair said the letter was dated for today and she asked Jeffrey to explain with if he was part of the agenda making process this time. Jeffrey said he dates his memos for the date of the reading that is to be held. He thinks it helps others to remember. He said he wrote the letter last Wednesday.

Jeffrey said there was a question that came up about the conflict between the zoning district and the outside solicitation of sales. Jeffery said he was asked to get an opinion from Bud Harmon from the Town Businesses point of view but he has yet to hear back from Mr. Harmon. He said Mr. Kerr came in Friday and asked why he wasn't on the agenda.

Councilor Coleman said there are sign offs and fees have been paid and the proper time for discussion would have been now. The fact that it was pulled bothers him but it doesn't surprise him. He knows the selling season is short. He is outraged. George Kerr said he is disappointed. There are a lot of things going on in our community. He is trying to look at the

Town first. He quoted a newspaper article he was interviewed for. He thought Jeffrey wrote a great letter. He said he supports the beach. He doesn't want it to go in a direction he thinks it is going. He appreciates being able to bring it up. He said Louise could have given him a phone call.

Council Mailhot asked about the business license that has been signed off and then his letter. She asked if Jeffrey would okay with it. He said yes and that this was certainly not the Chair's fault because information came after things were sign off on. He said he struggled

with this a lot as people are starting to look into this venue. That's when he came across the issue he had. The Town Clerk questioned it when she saw the agenda.

Councilor Mailhot said this needs to be address for the future and that when she was on the Planning Board she tried to get it so that business licenses didn't need to come before the Council.

Councilor Dayton said they have spent 40 minutes on an agenda item that is not on the agenda. What are they going to do? She said they had a full boat could they move forward. The Chair asked Jeffrey to see if they could add a vote to this meeting tonight. She asked that he check the Charter. She stated the only reason she held off is that she worries so much these days about doing anything wrong. She doesn't want to put the Town in jeopardy.

Motioned by Councilor Quinn

Seconded Councilor Coleman 7-0

PUBLIC HEARING LIQUOR LICENSES:

J. G. Cutter dba/Barefoot Boy (305-4-5), 45 East Grand Avenue, m-s-v in a Restaurant.

Motioned by Councilor Coleman

Seconded Councilor Furtado 7-0

PUBLIC HEARING SPECIAL AMUSEMENT PERMITS:

William P. Marshall dba/The Whaler (206-31-17), 20 Staples Street, Acoustic Inside – 8:30 p.m. to 12:30 a.m.; J. G. Cutter dba/Barefoot Boy (305-4-5), 45 East Grand Avenue, Radio, 2-3 people Bands, Inside, 7:00 a.m. to 11:00 p.m. everyday; Band will be 6:00 p.m. to 11:00 p.m., Friday, Saturday and Sunday; Oceanside Investment Group LLC dba/Myst Restaurant (306-1-2-1), 1 East Grand Avenue, Accoustical & Amplified Music, Outside and Inside on the Deck and on the Patio – 1:00 p.m. to 1:00 a.m.; and Bernard L. & Jane C. Orne (307-3-1-B), 8B West Grand Avenue, D. J. Band (Amplified), 12:00 p.m. – 1:00 a.m.

Motioned by Councilor Coleman

Seconded Councilor Quinn 7-0

TOWN MANAGER'S REPORT:

He attended his first meeting of the Administrative Board. One of the items was Kate's butter and that is one that will be addressed tonight. Negotiations continue with Public Works Department union. There have been two meetings of the Firefighter's union. There will be an initial meeting with the Police union this week.

He continues to work with the Finance Director on the budget in preparation for the upcoming workshops and in compiling information requested by the Council.

Summer hiring has proved challenging with the Human Resource Director on medical leave. She is scheduled to return to work June 11th. Her responsibilities have been divided between the Finance Department and the Manager's Office.

Also Connecticut Water Services has purchased Biddeford and Saco Water Co. which is overseen by MaineWater. MaineWater is owned by Connecticut Water. The Public Utilities Commission in

approving the acquisition required the company to form a Customer Advisory committee with up to two reps from each community to identify issues and set priorities. He attended a meeting and will provide an update to the Council. He said he has worked with the President of MaineWater since the early nineties. He has also coordinated projects for the town of Rockport with the Vice President of Operations and the engineer.

NEW BUSINESS:

# 5925	Presentation of the Fiscal Year 2012 Audit by Ron Smith, CPA, CFE, of RHR Smith & Company.	Chair Sharri MacDonald
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Diana introduced Ron. She said the audit is still in draft form. She feels the document is solid and figures will not change, there are still a few documents missing.

He said he would go over the highlights and answer any questions anyone has and also give some advice. He referred to page 14 he noted the General Fund. He said we had 10.2 million dollars worth of assets against 5.3 million dollars worth of liabilities and obligations. He thinks we are in a rock solid state. Page 16 is a summary of what was spent and what we took in. We took in 23.6 and spent 24.4. With some bond proceeds and some transfers coming from some reserve accounts in actuality the town took in more than it spent. Revenue projections were all over the board. They weren't too solid. Page 18 is the enterprise fund and that is the ballpark. He said everything for that goes through the General Fund and that fund is running in a deficit situation. He thinks this is misleading and they should have some dialog about that. Page 43, 45-48 gives a summary actual for the Town. Again he said the projections weren't met. He would suggest a fund balanced policy. He discussed some of the bond issues and the duration of the projects. He gave the Ocean Seaview Sewer as an example. He said that was over spent by \$500,000. And if you look at the other bonds there is money to cover that. But they can't see where the Council dealt with that problem. He thinks Council needs a blueprint of all the infrastructure and it needs to be updated often. Councilor Mailhot asked about the low lights. She said this is no reflection on Diana as she has done a great job. He said the bond matter is a concern. The information was there. There was a \$125,000 error in Assessor's Certificate and the revenue was counted twice. The bank reconciliation is an area you can ill afford to have a problem with. It is time to look at that process. Vice Chair Bolduc said she is confident that with Diana here they won't be facing what they were last year with 31 new line items that weren't even budgeted for and \$310,000 worth of expenditures that weren't budgeted for. He agreed that the process of signing warrants could be done through a better process. He thinks there have been lots of oversights. He said we need to get some help and cross training. Councilor Dayton said we've tried cross training. She said all the examples seem like there is too much to do. She asked what was typical for a town our size. She said it goes back 5 or 6 years. She thinks the whole thing is a lack of staff. She has had a difficult time getting people to listen to her. She said when Mark Pearson tried to do something about it we took the staff away from him. Councilor Coleman asked what we need to supplement Diana. Ron said you need an accountant. Diana said she is considering the Management letter as the blueprint of what we need to do to move forward. Councilor Mailhot asked if she could be more specific and Diana said she is working on that. Ron said he would draft an action plan with Diana for the Council. Councilor Quinn asked if that was the only thing holding this up and Ron said yes that and a few missing documents.

# 5926	Discussion and Possible Action: Recommendation of the Administrative Board of Review to the Town Council to Consider the revocation of the business license of Kate's Butter based on	Interim
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Findings of Fact and set date for Revocation Hearing.

**Town Manager
Bob Peabody, Jr.**

Mr. Peabody said basically the issue for the Board was that the owner was absent from the scheduled meeting. The Chair said when there is a question about a license, an Administrative meeting is held. The Council was told about the missed meeting and there was some confusion. She cautioned the Council on being able to be unbiased at a future meeting if they heard certain things tonight.

The Town Manager read a statement that there was concern as the attorney for Kate's Butter set the date of the meeting and then did not attend. He said that plus the unsigned Consent Degree were the issues at hand.

Tim Bryant, representing Kate's Butter, said the meeting was set last summer. And they didn't think they needed to go. There was confusion, they didn't do it to be disrespectful to the Board or the Town or the neighbors. Councilor Mailhot said she doesn't take this matter lightly. She would like to see an agreement made. Councilor Coleman said he concern is that the Consent Agreement is not signed. Tim said they can't sign it because they want a date and they don't have one. He said there was an estimate of late summer, early fall. Tim said his client wants to be gone but things have come up that they can't commit to a date. Councilor Coleman said a date needs to be set. Tim said his client can't do that. He said his client has made as many charges as he can to help alleviate issues at the current location.

The Chair asked if the Administrative Board would consider another meeting. The Town Manager said the Board severs at the Councils will so that if the Council wanted them to meet, they would. He wondered if there was a work around on the date issue. Could they set a notification period of perhaps 30 days before the move out date if there was an issue Kate's could let folks know there is going to be a change on the move out date.

The Chair asked if they could meet next week and try to iron things out. The Town Manager said if they had a date certain they would not have to meet. Councilor Coleman asked if there could be milestones that Kate's could let people know about. Chief Kelley said the Town Managers suggestion is a good one. He feels no one wants to put anybody out of business. Jim Butler, code enforcement, said he took responsibility for the confusion about Kate's attending the meeting as he was told they would not be there.

Sue Jordan is a neighbor. She said they met in January and that is when the date was set. She said there are a lot of things that have gone wrong. She said these little errors are costing a lot of times. She asked where the minutes are from the January meeting. When they didn't show up she felt they were just pushing things off again.

The Chair suggested one more meeting with the Administrative board. The attorney for Kate's spoke but did not come to the podium. Councilor Dayton tried to say what he said and he said that was not what he said. Councilor Dayton said all this is convoluted. Councilor Coleman asked for clarification on the notes. Louise said she thinks the date is not the issue. She thinks the issue is when are they going to be gone? She agrees with the Town Manager that he met with the attorney and work it out. Vice Chair Bolduc said this sounds like a comedy or errors and miscommunication. Councilor Dayton again said she thinks the town followed the process. She understands both sides. This is serious, the revocation of the license could happen. She would take the road of giving them a move out date in order to avoid the revocation of the license.

Councilor Mailhot made a motion to direct the Town Manager to work with the business owner, his attorney, the neighborhood and the Administrative Board to

come to a signed functional consent agreement with a date certain and possibly with a clause about the 30 days. With two weeks to facilitate that. Vice Chair Bolduc seconded.

Councilor Coleman made a motion to table with the understanding that conditions are met by the next Council Meeting. The Chair said the original motion had more meat to it. The original motion was repeated

Councilor Dayton	Yes	
Councilor Furtado	Yes	
Councilor Mailhot	Yes	
Councilor Quinn	Yes	
Councilor Coleman	Yes	
Vice Chair Bolduc	Yes	
Chair MacDonald	Yes	7-0

5927 Presentation and Discussion: Agreement to Convey Easement between the Town of Old Orchard Beach, the Old Orchard Beach Historical Society, and Saco & Biddeford Savings Institution and authorize the Town Manager to execute the agreement pending Town legal counsel approval. Interim Town Manager Bob Peabody, Jr.

Mr. Peabody said there are representatives from the bank, the Historical Society and the Planning Board here. He said the Town Planner would present this to the Council.

Jeffrey Hinderliter said before he started he had an answer on the issue about the licensing of the food truck that was not listed on the agenda. He said to do it, it had to have been brought up directly after the roll call at the beginning of the meeting. He recommended allowing the staff to issue a temporary business license effective tomorrow until May 29th. It has been done in the past. He said there is already an Executive Session schedule for then and they can call a special meeting and rule on it at that time.

He said the Harmon Museum project is a good one. There was a problem with the American Disability Act and having access to the building. Several folks including Saco Biddeford Savings and the Rotary Club showed an interest in helping at no charge to the Town. There was also in issue of parking for the bank as they are not going to be able to use the church parking lot across the street. The bank said they could put some parking on town property and maintain it at no charge to the town. There is an easement associated with the land. It would not transfer the property to the bank. It is similar to Memorial Park situation so he feels we need to go to referendum. Jeffrey said he did find that the Council could authorize a lease up to three years. The Museum wants to go through with this. There is also the issue of the deed to make sure the town is not bound to any specific use of the property. Legal also needs to go over the easement language to make sure the town is covered. Right now they can go ahead with the ADA ramp just not the parking lot portion. Vice Chair Bolduc asked that he check with the Insurance Co on liability. The Chair asked for him to come up with a lease agreement to get things started. Bill King from the bank said the problem is if the referendum didn't pass then they

have spent money on the project. He said the planning could happen now and then a referendum in November. The bank said they would do most of the legal work. Councilor Mailhot asked is there was any setup on the adjacent property. Jeffrey said the neighbors have been consulted and there would need to be some sort of buffer. Dan Blaney, from the Museum said the bank is going to do everything. He feels it is a triple crown for the Town. He feels there is no sale or lease. It is going to be an easement. The Chair said the only reason she suggested a lease is to get things started now. Vice Chair asked planning eminent domain with legal. Dan said there is an escape clause. John Bird wanted to discuss impermeable surfaces. He said there is porous asphalt which allows drainage and prevents runoff. Councilor Quinn hopes those concerns are addressed. He also asked about the length of the agreement issue. The bank said this is a permanent easement. He said the length of the agreement is up to the bank. If they decide not to use it after 20 years the town still has the improvement. If they decide to continue use of it they would pay something but feel they would have already spent a lot in improvements. Councilor Mailhot said once they would be paying it needs to be decided to where the money goes. Councilor Coleman said it is already in the document.

5928 Discussion with Action: Release the monies in the amount of \$4,956.25 from Account Number 25140-40510 – Unanticipated Revenue Account, with a balance of \$63,377.23 to the Acorn Village Condominium Association formerly applied to municipal legal fees Associated with the Acorn Village Performance Bond settlement.

**Planner
Jeffrey Hinderliter**

Motioned by Councilor Dayton

Seconded Councilor Furtado

Councilor Coleman noted that he thinks this came back due to an error he made. He had thought it was appropriate to deduct the legal fees. He is in favor of this motion.

Councilor Coleman	Yes
Councilor Quinn	Yes
Councilor Mailhot	Yes
Councilor Dayton	Yes
Councilor Furtado	Yes
Vice Chair Bolduc	Yes
Chair MacDonald	Yes

7-0

Councilor Bolduc noted that she agreed with the vote she took at the last meeting

5929 Discussion with Action: Discuss and provide recommendations to the Code Enforcement Officer concerning presentation of enforcement matters to the Council.

**Code Enforcement
Officer
Jim Butler**

Jim Butler went through the process. The Chair said the reason this is on the agenda is that when she sat down with Jim and Louise, she was told there are several code violations. She asked what they were. Going forward she noted that specifics can't be discussed in a public

- # 5932** **Discussion with Action: Set a Public Hearing date of June 4, 2013 to Amend the Code of Ordinances, Section 54-114 and 54-115 to allow the Chief of Police or his/her authorized representative to determine parking fees in the Milliken Street and Veteran's Memorial Park parking lots.** **Councilor Bob Quinn**
- Motioned by Vice Chair Bolduc Seconded Councilor Coleman 6-0**
Councilor Dayton was out of the room
- # 5933** **Discussion with Action: Amend Appendix A of the Code of Ordinances, Schedule of License, Permit and Application fees, amending the towing and storage fees.** **Police Chief Dana Kelley**
- Motioned by Councilor Furtado Seconded Councilor Mailhot 6-0**
Councilor Dayton was out of the room
- # 5934** **Discussion with Action: Act on Warrant and Notice of Election calling a Regional School Unit No. 23 – Budget Validation Referendum for June 11, 2013.** **Town Clerk Kim McLaughlin**
- Motioned by Councilor Coleman Seconded Councilor Quinn 6-0**
Councilor Dayton was out of the room
- # 5935** **Discussion with Action: Approve the Special Event Permit application for the Veterans Memorial Park Sub-Committee to hold "Illumination Night" in Memorial Park on Sunday, May 26, 2013, from Noon to 9 p.m.; and a request to waive the fee.** **Town Clerk Kim McLaughlin**
- Motioned by Councilor Quinn Seconded Councilor Furtado 7-0**
- # 5936** **Discussion with Action: Approve the Special Event Permit application for the 10th Annual "Run for Cash" Memorial 5k and 10k and 2.5. mile walk on Saturday, June 21st, 2014, from 6 a.m. to 12:00 p.m. Insurance, listing the Town of Old Orchard Beach, to be provided to the Town Clerk's Office at least one month prior to the event; request for banner in the Square and on Cascade Road from June 4th through June 21st, 2014; and a request to waive the fee.** **Town Clerk Kim McLaughlin**
- Motioned by Councilor Coleman Seconded Councilor Quinn 7-0**

5937

Discussion with Action: Approve line item transfer from the Wastewater Department; transfer \$1,500 from Account Number 20161-50452-Equipment Repair- Non Capital, with a balance of \$17,709; to Account Number 20161-50450-Building Repair-Non-Capital-with a balance of \$576.11; Approve line item transfer from the Town Manager; transfer \$1,540 from Account Number 20102-50251-Conference/Training with a balance of \$2,441.20; to Account Number 20102-50500 – Administration /Office Supply-Non-Capital-with a balance of \$486.88; Approve line item transfer from the Town Hall Maintenance; transfer \$177.78 from Account Number 20115-50450-Building Repair/Maintenance with a balance of \$4,730.01; to Account Number 20115-50310-Service Contracts-with a balance of \$85.68; Approve line item transfer from the Town Council; transfer \$1,100.00 from Account Number 20101-50310-Service Contracts with a balance of \$4,000.00; to Account Number 20101-50303 - Audit Services - with a balance of <\$1,100.00;> Approve line item transfer from the General Assistance; transfer \$350.00 from Account Number 20191-50500 - Office Supplies with a balance of \$700.00; to Account Number 20191-50251 - Conference/Training-with a balance of \$0.00.

**Interim
Town Manager
Bob Peabody, Jr.**

Councilor Quinn asked about the \$350 amount. Louise said it was correct. Councilor Mailhot asked for clarification in an explanation. Councilor Coleman said it was for boiler repair

Motioned by Councilor Quinn

Seconded Councilor Coleman 7-0

5938

Discussion with Action: Approve the Special Event Permit application for Palace Playland and the Pier to hold Fireworks displays every Thursday at 9:45 p.m. on the beach in front of Palace Playland, starting June 20th, 2013 to August 22nd, 2013, to also include July 5th. Approval by the State Fire Marshall’s Office to be provided to the Town Clerk’s Office at least one week prior to the first display; and a request to waive the fee.

**Town Clerk
Kim McLaughlin**

Motioned by Councilor Mailhot

Seconded Vice Chair Bolduc 7-0

5939

Discussion with Action: Accept, with regret, the resignation of Roxanne Frenette from the Biddeford Saco Old Orchard Beach Transit Committee; and Appoint Councilor Dana Furtado to serve on the Biddeford Saco Old Orchard Beach Transit Committee.

**Chair
Sharri MacDonald**

Motioned by Councilor Mailhot

Seconded Vice Chair Bolduc 7-0

5940

Discussion with Action: Direct the Town Manager to study the use of Residential Parking Permits at Parking Meters.

**Councilor
Linda Mailhot**

Council Mailhot has been asked why residents can't use their permits at meters. She thinks is something that should be looked at. Councilor Coleman would like to get an idea of the fiscal impact. Councilor Quinn doesn't see how this can be done with the issues of enforcement and possible lost revenue. Vice Chair Bolduc asked the Chief if handicap people can park anywhere for free. He said yes. Councilor Dayton said only in designated spots and the Chief said no in all spots. Guy Fontaine said that the sale of permits would go up drastically.

Motioned by Councilor Coleman

Seconded Council Mailhot

- Councilor Dayton No
- Councilor Furtado Yes
- Councilor Mailhot Yes
- Councilor Quinn No
- Councilor Coleman No
- Vice Chair Bolduc Yes
- Chair MacDonald Yes

4-3

GOOD AND WELFARE:

Pam Gallo of the Raging Tides. They are in need of 5 more host families.

Attorney Bill Childs was here to address the serious matter of Councilor Dayton being accosted by a very large man who aggressively confronted her and insisted she speak to him. She learned had a petition seeking her removal from the Council. A conversation occurred and then Ms. Dayton walked away. The gentleman did not file a complaint because Ms Dayton said nothing warranted that. A tardy complaint was filed. She contacted him and she also told him that she had contacted Chief Kelley. They were going to interview Mr. Gracie and also Cari-Lyn Lane who was actively pursuing a charge against Ms. Dayton. Mr. Childs told Ms. Dayton she would have a chance to confront her accusers and present evidence on her behalf. It they went to the Attorney Generals Office. Then the NAACP got involved. The NAACP didn't bother to contact Ms. Dayton to get her side of the story. And they have written letters after this incomplete investigation. He has been told by Ms. Dayton that the Old Orchard Beach Police Department will not be seeking charges as has the Attorney Generals Office. These false allegations have become public and the Chair was quoted in a newspaper article as saying she took these charges seriously. Ms. Dayton has been denied due process. She has had scandalous statements levied against her by a group. He asks that the Council do something about this as apparently they are going to just let this go and Ms. Dayton is never going to have a chance to confront her accusers or present her side of the story. It is time for a hearing. He proposes allowing this matter to be referred to arbitration. To hear from all parties. He said this needs to be done before the elections. He said everyone is slinking away. His office would attend and they would need to hire an arbitrator. Ms. Dayton would pay her attorney fees, the other parties could share the cost of the arbitrator and perhaps Mr. Weinstein might volunteer his services. The damage has been done and it is not fair service to leave this unfinished and perhaps that was the goal.

Councilor Coleman said for the record he has stated that he doesn't believe that Councilor Dayton committed anything close to what was reported. What we have seen from the so called Tax Payers for Truth have been lies, half truths and the tactics they have taken no place in our public discourse. Councilor Mailhot said the same thing could be said for Recall4 so let's not try to get into a back and forth about opposing sides. Councilor Coleman said Tax Payers for Truth started with scurrilous

accusations. He knows the folks with the Recall4 and their allegations were true. The statement on the recall papers is true. On the Tax Payers for truth, they were false.

Jerome Begert said the Charter says that it is the Managers job is too make sure the laws are followed. When the auditor mentioned lack of oversight, he thinks he also meant the Council. Jerome said they need to pick up the phone more often and speak to each other. As the Mr. Childs, the use of the verb accosted is weighted and highly inappropriate. The gentleman being discussed was never alone and he was never aggressive. Most of Mr. Childs carried the connotation that this Town Council is in anyway involved in at alleged incident. There were 4 witnesses. There was not urgent need to file charges. An apology was sought. He understands the person involved did not want to do that because it would be saying it happened. This government did not bring this story to the media. A department press release got the curiosity of a reporter. This is between 2 individuals and 4 witnesses. This has nothing to do with the recall. That was brought on by some dishonest citizens and Councilors. He questioned the accuracy of the Recall4 information. Tonight they are still trying to inflame things. He said don't write letters as Councilors if it is full of lies. It is time to move on and get the work of the town done.

Vice Chair Bolduc motioned to adjourn. Neil Weinstein had already approached the podium, The Chair asked for a seconded by Councilor Coleman. Vice Chair Bolduc withdrew her motion. And Councilor withdrew his second.

Neil wanted to comment on some of the comments he heard at home from Mr. Childs claiming the accusations were false. He said Mr. Childs knew nothing about what happen. He said Mr. Coleman knows less and that he has held Recall4 meetings at this house. Mr, Gracie had no idea who Councilor Dayton was but she know what he was doing, Why would he make something like this up. She won't admit to it because she doesn't want to be embarrassed about what happened. She is not being denied due process. She is not being charged criminally. She represents all of us and everybody at home has seen her outrageous emotional outbursts. This is not a court of law. There has been nothing slanderous. He us outraged about the recall. They used the excuse that it is about the previous town Manager but Mr. Fancore was holding recall signs before there was any vote that ever came up. Using that excuse is false. The previous Town Manager nor his attorney have ever served the Town with any lawsuit. They filed a complaint, he thinks as a publicity stunt for Recall4. He said Recall4 and certain councilors said we would never get anyone to apply for the town Manager's job. 20 people have applied. Councilor Coleman, Quinn and Dayton said it would cost the town millions of dollars and it hasn't cost anything to date. Mr. Coleman wants to defend a friend of his whi is the town Manager he brought in.

Councilor Coleman denied the allegation that he brought in Mr. Pearson as Town Manager. He did not know him beforehand. He asked if Neil would say that Mr. Gracie was a reliable witness. He said Neil didn't not reply.

Chris Johnson wanted the thank Mr. Childs for a good suggestion. It is good because Council Meetings have been used for hurtful things and strong speakers have stood here and used this as a quorum. This pulpit is used to bully people. He urged using Mr. Childs suggestion.

Louise Reid said she has also been a victim of Tax Payers for Truth, She has been accused of attending meetings for Recall4. She has never attended. A person who is a member of Recall4 drives a red Toyota and so does she. She has seen individuals attacked that are people in our town that have given much back to the community. She wants her letter entered into the record. It is upsetting that it was noted that she had visit at home from a certain friend and they talked about labor issues. That is not true. She had a friend that she has know since 2000 for lunch and they talked about family. She thinks it is wrong for the two people who spoke to always be allowed to speak for as long as they want. She doesn't see any fairness in that.

Neil wanted to speak again but the Chair said no more than once to speak, she is invoking the rules.

Motion to adjourn Councilor Mailhot

Seconded by Council Dayton

ADJOURNMENT:

Respectfully Submitted,

**Sheila M. Flathers
Interim Town Council Secretary**

**I, Sheila M. Flathers, Interim Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of thirteen (13) pages is a copy of the original Minutes of the Town Council Meeting of May 21, 2013.
Sheila M. Flathers**